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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,013	12/14/2000	Herbert D. Jellinek	FUSN1-01304US0	1471
28554	7590	07/07/2006	EXAMINER	
VIERRA MAGEN MARCUS & DENIRO LLP 575 MARKET STREET SUITE 2500 SAN FRANCISCO, CA 94105			POLLACK, MELVIN H	
		ART UNIT	PAPER NUMBER	2145

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/738,013	JELLINEK, HERBERT D.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Melvin H. Pollack	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 and 10-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 and 10-46 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)       |
|   | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

**DETAILED ACTION*****Response to Arguments***

1. Applicant's arguments filed 4/17/06 have been fully considered but they are not persuasive. An analysis of the arguments is provided below.
2. Applicant argues that Chaudhri does not expressly disclose a client on a different network from a server (P. 10, lines 25-28). While it is true that both content server 40 and destination client 50 are on the Internet, they are separated by a proxy infrastructure 5 into two different LANs. In other words, the proxy server is local to the content server, but the client is clearly remote when utilizing the relevant embodiment of content delivery (Fig. 6).
3. In response to applicant's argument that there is no suggestion to combine the references (Pp. 9-10), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both are drawn towards content distribution wherein a server provides content (i.e. web pages) to a requesting user. Further, the previous rejection outlines various logical and physical separations of Mantha. Therefore, Chaudhri may be used as a teaching to modify Mantha, provided proper motivation.
4. Indeed, such motivation is provided by Chaudhri: "This functionality can alone provide greater acceleration performance and ease of use to publishers (Para. 10)." This would be of

considerable interest to a company such as Artscape, or of any web page hosts. Therefore, proper motivation is taught.

5. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

6. In response to applicant's argument that Chaudhri cannot be incorporated in Mantha, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

7. Therefore, the rejection is maintained for the reasons above, and made final.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 1-6, 10-20, 22-33, 35-42, and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mantha et al. (6,163,779) in view of Chaudhri et al. (US 2002/0116444).

10. For claim 1, Mantha teaches a method (see abstract) for processing requests for delivery of electronic content (col. 1, line 1 – col. 3, line 5), comprising the computer-implemented steps (col. 4, lines 10-30; col. 12, lines 55-65) of:

- a. Receiving at a server (Fig. 3, #225 and #227), a request for delivery (Fig. 4, #30) to a destination client (Fig. 3, #220 and #223) that is not on the local network (Fig. 1, #14), of electronic content (Fig. 1, #22) that is associated with the local network (col. 4, lines 10-30), wherein the electronic content includes one or more links that are only resolvable within said local network (Fig. 14, #115; “A HREF=”ceramics.html”);
- b. Retrieving the electronic content (col. 8, lines 1-30);
- c. Generating updated content by modifying the one ore more links associated with the electronic content to include information identifying said server (col. 11, lines 55-65; Fig 4, #117; “A HREF = “<http://www.artscape.com/ceramics.html>”); and
- d. Delivering said updated content to said destination client (Fig. 4, #38; Fig. 6, #50).

11. Mantha does not expressly disclose receiving a server on a local network, a request for delivery to a destination client that is not on the local network, of electronic content that is associated with the local network, and retrieving the electronic content from within the local network. An analysis of the structure and components of Mantha, and the separation thereof, has been shown above. Chaudhri teaches a method (abstract) of saving content files, and delivering them (Paras. 1-28). Specifically, Chaudhri teaches URL modification (Paras. 51, 70-96) within a

proxy (Fig. 3, #5) that delivers content from a server (Fig. 3, #40) to a client (Fig. 3, #50; Para. 113) wherein the client is on a different network from the server (Figs. 3, 5, and 6). At the time the invention was made, one of ordinary skill in the art would have used the Chaudhri structure in Mantha in order to provide improved content distribution and publisher rules handling (Paras. 9-10).

12. For claims 2, 22, 35, Mantha teaches a method (see abstract) for providing information from a network (col. 1, line 1 – col. 3, line 5) including a network device (Fig. 1), said method comprising the steps of:

- a. Receiving a request for a first electronic content (Fig. 1, #225);
- b. Retrieving said first electronic content from said network (col. 8, lines 1-30);
- c. Identifying a link within said first electronic content (Fig. 4, #117);
- d. Wrapping said link to obtain a wrapped version of said link (Fig. 12, #92) that identifies a resolvable address on the network (col. 11, lines 55-65; Fig 4, #117; “A HREF = “<http://www.artscape.com/ceramics.html>”); and
- e. Delivering a modified version of said first electronic content, wherein said modified version of said first electronic content includes said wrapped version of said link (col. 10, lines 60-65).

13. Mantha does not expressly disclose receiving a server on a local network, a request for delivery to a destination client that is not on the local network, of electronic content that is associated with the local network, and retrieving the electronic content from within the local network. An analysis of the structure and components of Mantha, and the separation thereof, has been shown above. Chaudhri teaches a method (abstract) of saving content files, and delivering

them (Paras. 1-28). Specifically, Chaudhri teaches URL modification (Paras. 51, 70-96) within a proxy (Fig. 3, #5) that delivers content from a server (Fig. 3, #40) to a client (Fig. 3, #50; Para. 113) wherein the client is on a different network from the server (Figs. 3, 5, and 6). At the time the invention was made, one of ordinary skill in the art would have used the Chaudhri structure in Mantha in order to provide improved content distribution and publisher rules handling (Paras. 9-10).

14. For claims 3, 23, Mantha teaches that the first electronic content is an electronic document (Fig. 9, #61; Fig. 14, #115) and said modified version of said first electronic content is a modified version of said electronic document (Fig. 9, #70; Fig. 14, #117).

15. For claims 4, 24, Mantha teaches that said link is a URL and said modified version of said link is a modified version of said URL (col. 1, lines 20-40).

16. For claims 5, 25, Mantha teaches that said link includes an external address portion identifying said network device (Fig. 15, “www.artscape.com”), and an internal address portion identifying a second electronic content within said network (Fig. 15, “/ceramics.html”).

17. For claims 6, 26, 36, Mantha teaches that said external address portion can be resolved outside said network, and said internal address portion cannot be resolved outside said network and can be resolved in said network (col. 12, lines 8-35).

18. For claims 10, 12, 28, 38, Mantha teaches that wrapping includes inserting a reference to said network device in said modified link (Fig. 14, #117).

19. For claims 11, 13, 29, Mantha teaches that said link does not include a reference to said network device (Fig. 14, #115).

20. For claims 14, 30, 39, Mantha teaches that said link includes an address for a third electronic content in said network and said modified version of said link includes an address for said third electronic content in said network (Fig. 14; “<A HREF>” tags).
21. For claims 15, 31, 40, Mantha teaches that the method includes identifying additional links within said first electronic content; and wrapping said additional links to obtain wrapped versions of said additional links (Fig. 12, #85).
22. For claim 16, Mantha teaches determining said additional links cannot be resolved outside of said network (Fig. 12).
23. For claims 17, 32, 41, Mantha teaches that said modified version of said first electronic content contains said wrapped versions of said additional links (Fig. 16).
24. For claim 18, Mantha teaches that said request originates outside of said network (col. 4, lines 10-30).
25. For claim 19, Mantha teaches that said request originates inside of said network (col. 4, lines 10-30).
26. For claims 20, 33, 42, Mantha teaches that verifying that said address is fully qualified (col. 11, lines 50-65).
27. For claims 27, 37, Mantha teaches determining said link cannot be resolved outside of said network, wherein wrapping is only performed if it is determined that link should be wrapped (Figs. 11 and 12).
28. For claims 44 and 45, Mantha teaches the added limitation of determining whether a link should be resolved (Fig. 12, #87-89).

29. For claim 46, Mantha teaches the added limitation of multiple links (Fig. 12, #87) over multiple pages (Fig. 13, #93).

30. Claims 21, 34, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mantha as applied to claims 2, 22, and 35 above, and further in view of Rodkin et al. (6,581,065).

31. For claims 21, 34, 43, Mantha does not expressly disclose inserting a second link into said modified version of said first electronic content, wherein said second link addresses a fourth electronic content not addressed by any link in said first electronic content. Rodkin teaches a method (see abstract) for modifying text files in a client server network (col. 1, lines 10-22) in which hyperlinks are added to the electronic document based on text data strings (col. 3, line 65 – col. 4, line 30). At the time the invention was made, one of ordinary skill in the art would have used the Rodkin hyperlink method to modify electronic content in order to simplify link updating (col. 3, lines 15-60).

*Conclusion*

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MHP  
28 June 2006



JASON CARDONE  
SUPERVISORY PATENT EXAMINER